IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 9688 of 2004

For Approval and Signature:

HONOURABLE MR.JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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DODIYA GIRISHBHAI KUBERBHAI - Petitioner(s)

Versus

STATE OF GUJARAT THRO SECRETARY HOME DEPARTMENT & 1 - Respondent(s)

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Appearance :

MR SK PATEL for Petitioner(s) : 1,
MS ARCHANA RAVAL A.G.P. for Respondent(s) : 1 - 2.
RULE SERVED for Respondent(s) : 1 - 2.

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 15/09/2005

ORAL JUDGMENT

1. This petition is directed against the order dated 3rd May, 2004 passed by respondent no. 1 whereby the order dated 23rd July, 2003 passed by the District Magistrate has been confirmed and application for grant of licence has been rejected.

2. I have heard the learned counsel for the parties. Having perused the materials produced on record, prima facie, it appears that the original report was in favour of the petitioner, but, subsequently for reasons best known to the Police authorities, the same was changed. In that view of the matter, I am of the opinion that the matter is required to be considered afresh.

3. In the premises aforesaid, the impugned order passed by the first authority is quashed and set aside. The matter is remanded to the first authority for decision afresh on merits. While deciding the matter afresh, the first authority shall consider the evidence which has been produced before this Court and other evidence that may be produced before it. The petitioner shall approach the first authority with an application within a period of two weeks from today. It is, however, clarified that the first authority shall hear and decide the matter within a period of three months from the date of such application, without being influenced by the fact that this Court has quashed its earlier order since the same has been passed without entering into the merits of the case. With the above directions, the petition stands disposed of. Rule is made

absolute to the aforesaid extent with no order as to costs.

[K.S. JHAVERI, J.]

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